



***RPT 20-266***

**TITLE:** City Municipal Bylaw Enforcement Unit - City Council

**DATE:** June 19, 2020

**TO:** City Council

**PUBLIC:** X

**INCAMERA:**

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**RECOMMENDATIONS:**

1. That the primary responsibility of Bylaw Enforcement and Bylaw Compliance be converted back to the model under City Council as a City Municipal Bylaw Enforcement Unit reporting to the Director of Planning & Economic Development Services or designate;
2. That the 2020 Police Service Operating Budget be defunded by the amount of \$94,050 to be directed by City Council towards the operation of a City Municipal Bylaw Enforcement Unit; and,
3. That the 2021 Police Service Operating Budget and subsequent budgets be defunded by the amount of \$355,000 relating to the removal of the Bylaw Enforcement Unit from the Police Service Budget to be directed by City Council towards the operation of a City Municipal Bylaw Enforcement Unit.

**TOPIC & PURPOSE:**

To approve that the primary responsibility of Bylaw Enforcement and Bylaw Compliance be converted back from the Prince Albert Police Service to the model under City Council as a City Municipal Bylaw Enforcement Unit reporting to the Director of Planning & Economic Development Services or designate.

This report is proposing re-allocating funding from the Police Service Budget to fund a City Municipal Bylaw Enforcement Unit within City Hall. That would enhance the bylaw enforcement model with more cost appropriate staffing.

Other benefits include:

- Re-aligning the salary grid for bylaw enforcement officers as a more cost effective resource for the City.
- Salaries would be aligned to other bylaw enforcement officers working for municipal government.
- **Cost savings to the City due to the reduced costing of the positions.**
- The staff would work directly and liaise with City Departments along with members of Council.
- The bylaw officers would be in-house at City Hall and have the ability to work directly with the Planning Inspectors and Building Officials on housing matters, property issues, business licenses, nuisance abatement issues, boarded up homes and properties to be demolished.
- The bylaw officers would also undertake a variety of inspections and investigations to ensure the effective enforcement of municipal bylaws and related provincial statutes in order to achieve regulatory compliance, and enforce the minimum standards of maintenance and repair of buildings.
- Being a part of the Planning Department complements the abilities of staff working together in the same area.
- City Council can provide direction on bylaw priorities for the unit.
- City Council can direct bylaw officers on issuing parking tickets (fire lane, disability, bus stops, no parking, snow/sweeping, unregistered, parked in lane, etc.).
- The police CSO salary indexation is an expensive resource to be undertaking bylaw compliance, enforcing City bylaws and writing parking tickets. The CSO salary grid tops up at 85% of a First Class Constable rate which is currently \$85,886.

**This change would bring aligned bylaw enforcement services to the priorities of Mayor, Council and City Management.**

Attached as Appendix "A" is the proposed duties of the City Municipal Bylaw Enforcement Officers under the direction of City Council. The job duties identified relate to bylaw enforcement and compliance. However, City Council can direct the mandate of the unit.

**Revenue:**

Parking tickets - tickets that are paid for all notice of violations for parking are 100% revenue for the City of Prince Albert.

Unpaid parking violations - all vehicles that are seized for unpaid parking violations by Bylaw is 100% revenue for the City of Prince Albert.

The police Community Safety Officers (CSO) program would reduce and two positions would be re-assigned within the Prince Albert Police Service and would support and collaborate with the City Municipal Bylaw Enforcement Unit in meeting its goals and objectives. Three of the five police CSO positions would be reduced in the current authorized strength.

The Community Safety Officers would continue seizing vehicles relating to unpaid parking violations based on information to be uploaded from the Parking Services Coordinator, and will continue utilizing their Automated License Plate Reader to assist in removing unregistered vehicles from the streets and identifying unpaid parking fines.

### **BACKGROUND:**

Prior to 2006, the City of Prince Albert employed two (2) Bylaw Enforcement Officers under the Public Works Department.

In 2006, the bylaw enforcement unit affiliated with the Prince Albert Police Service.

The Bylaw Enforcement Unit has the first line responsibility for the investigation and enforcement of the City of Prince Albert Bylaws and specified Provincial Legislation.

Although connected to the Prince Albert Police Service, the Bylaw Enforcement Unit operates with its own mission statement of *"Improving quality of life through a professional and diverse public service"*.

On October 9, 2014, former Chief Cooper forwarded correspondence to Dale Larsen, Assistant Deputy Minister, Policing and Community Safety Division requesting approval for a low-risk policing model in the Province to augment the existing policing capacity and enhance public safety. The correspondence requested:

- The authority to stop or detain vehicles in order to enforce municipal and provincial legislation; and
- The authority to enforce Mental Health Act Legislation.

On December 1, 2014, the Ministry announced the roll out of the Community Safety Officer (CSO) Program to promote community safety and allow **communities to address low-risk to harm, high-priority policing needs**. Former Chief Cooper rolled out the CSO Program for the Police Bylaw Enforcement Unit and the staff attended training to obtain CSO authority and status. The concept at that time was to free up low-risk policing needs for the Police Officers and provide assistance to allow the Police Officers to focus on higher impact needs in our community.

**PROPOSED APPROACH AND RATIONALE:**

From Year 2006 (affiliation with the Prince Albert Police Service), the bylaw enforcement unit increased in staffing from two (2) positions to a total of eight (8) positions, including an out of scope manager and 7 Special Constables positions. Five of the eight positions were trained as Community Safety Officers.

In the last couple years, the Board has reduced the authorized strength of the bylaw enforcement unit as a result of the Animal Control Service Agreement with the Prince Albert SCPA, and the contracting out of animal control services. Currently, the bylaw enforcement unit is comprised of Community Safety Officer Positions and there is no current position or incumbent that is identified as a "bylaw enforcement officer".

Council Approval for City Municipal Bylaw Enforcement Unit

If City Council approves the model of a City Municipal Bylaw Enforcement Unit, the following process will occur:

- City Administration and Human Resources will finalize the job descriptions for the bylaw enforcement officers.
- Human Resources will negotiate the scope of the position.
- Human Resources will negotiate the appropriate salary grid for the bylaw enforcement officers, based on municipal comparators and existing Collective Bargaining Agreements for the bylaw positions.
- Human Resources will also negotiate hours of work and staggered split shifts.
- A funding model for the City Municipal Bylaw Enforcement Unit will be presented to City Council regarding the number of bylaw enforcement officers to be approved and the required budget for the new City Municipal Bylaw Unit.
- Once City Council approves the funding for the new City Municipal Bylaw Enforcement Unit, Human Resources will proceed with posting of the positions and hiring of bylaw enforcement officers.

**Legislation for Municipal Bylaw Enforcement Officers**The Cities Act, Saskatchewan

## Bylaw enforcement officers

**337(1)** A council may appoint any bylaw enforcement officers that the council considers necessary and define their duties and fix their remuneration.

(2) Bylaw enforcement officers appointed pursuant to the authority of subsection (1) may represent the city before a justice of the peace or provincial court judge in the prosecution of anyone who is charged with a contravention of a bylaw.

## The Municipalities Act

### Bylaw enforcement officers

**373(1)** A council may appoint any bylaw enforcement officers that it considers necessary and define their duties and fix their remuneration.

(2) Bylaw enforcement officers appointed pursuant to the authority of subsection (1) may represent the municipality before a justice of the peace or provincial court judge in the prosecution of anyone who is charged with a contravention of a bylaw.

### Municipal Enforcement Officers

Bylaw enforcement authority is governed under The Cities Act section 337, The Municipalities Act section 373, and The Northern Municipalities Act, 2010. Under these sections and Acts, a council may appoint bylaw enforcement officers that the council considers necessary and define their duties and fix their remuneration. Bylaw enforcement officers appointed under these sections may represent the municipality or city before a justice of the peace or provincial court judge in the prosecution of anyone who is charged with a contravention of a bylaw.

In Saskatchewan, a bylaw enforcement officer may issue a notice of violation or summons offence ticket in accordance with the Summary Offence Procedures Regulations, 1991. Other commonly used names for bylaw enforcement include bylaw enforcement officer, municipal enforcement officer, municipal peace officer, bylaw inspector, licensing inspector.

**As identified above, a Council may appoint any bylaw enforcement officers that the Council considers necessary and define their duties.**

Administration will work with the City Solicitor relating to the designation for the issuance of notice of violations or summons offence tickets.

### **CONSULTATIONS:**

The Prince Albert Board of Police Commissioners is supportive of the new model of a City Municipal Bylaw Enforcement Unit.

Consultation was held with the Planning Director and several City Administration.

Consultation was also made with various Saskatchewan Municipalities regarding the organizational structure of their bylaw enforcement officers within the City structure. Attached is the information that was provided by various Cities. Majority of the Cities indicated their Bylaw Enforcement Unit reported to the Department of Planning.

Both the City of Calgary and Edmonton have also confirmed that their Bylaw Enforcement Officers are considered internal City employees. They are supervised by City Staff and fall within the City organizational chart.

The transition allows the positions to be housed in City Hall and have the ability to work closely with the Planning Department on housing issues, property amenity issues, nuisance abatement issues, boarded up homes and vacant homes. The bylaw enforcement officers can be housed in offices on the third floor and wear uniforms similar to those of the planning department.

#### **COMMUNICATION AND/OR ANNOUNCEMENT PLAN:**

Once approved by City Council, communication will be made to the community regarding the transition. Communication will be made with various stakeholders and City Departments. The Communications Manager will prepare the messaging for a News Release, updates to the Websites and social messaging.

Human Resources will proceed with finalizing the scope of the job duties, salary grid and scope of hours.

A funding model for the City Municipal Bylaw Enforcement Unit will be presented to City Council regarding the number of bylaw enforcement officers to be approved and the required budget for the new City Municipal Bylaw Enforcement Unit.

#### **FINANCIAL IMPLICATIONS:**

The Board has approved reducing the 2020 Police Service Operating Budget in the amount of \$94,050 to be directed by City Council for the operation of a Municipal Bylaw Enforcement Unit.

The Board has also approved that the 2021 Police Service Operating Budget and subsequent budgets be defunded by the amount of \$355,000 relating to the removal of the bylaw enforcement unit from the Police Service Budget.

A bylaw vehicle will also be transferred to the City to be utilized by the bylaw enforcement officers.

The reduction in the amount of \$355,000 in the 2021 Police Service Operating Budget can be determined by City Council.

By transitioning back to a City Municipal Bylaw Enforcement Unit, the salary costs of the bylaw enforcement officers can be re-aligned as per the job duties of completing bylaw enforcement and compliance.

**This transition will provide cost savings to the City. The salaries would be re-aligned as a cost effective resource to the City.**

There will be prosecution and legal costs associated with proceedings on bylaw matters. It is recommended that this be managed by the City Solicitor's Office.

#### Animal Control Service Agreement – Prince Albert SPCA

In 2019, the Board approved that the Animal Control Service Agreement between the Prince Albert Board of Police Commissioners and the Prince Albert Society for the Prevention of Cruelty to Animals (Prince Albert SPCA) for the term of January 1, 2020 to December 31, 2020, for the provision of contract services for bylaw animal control be approved.

The Fee for Service contained in the Animal Control Service Agreement is eighty-thousand dollars (\$80,000) per annum. The Agreement expires December 31, 2020 and will be re-negotiated as an Agreement between the City of Prince Albert and the Prince Albert SPCA effective January 1, 2021. The Fee for Service in the current annual amount of \$80,000 will need to be negotiated. The City Municipal Bylaw Enforcement Unit will be providing assistance if required to the Prince Albert SPCA relating to animal control.

#### **STRATEGIC PLAN:**

Prince Albert Police Service Strategic Plan Priority #3 – Professional Service

##### *Effective Operations*

Fiscal Management & Accountability – funding strategies to provide cost savings to the City.

#### **PUBLIC NOTICE:**

Public Notice pursuant to the Public Notice Bylaw No. 24 of 2015 is not required.

#### **ATTACHMENTS:**

1. Appendix "A" – Municipal Bylaw Enforcement Officers – Job Duties.
2. Appendix "B" – Research of Other Cities.

Written by: Jim Toye, City Manager

Approved by: City Manager